

House Bill 850

By: Representatives Day of the 163<sup>rd</sup>, Bearden of the 68<sup>th</sup>, Stephens of the 164<sup>th</sup>, and Carter of the 159<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-11-129 of the Official Code of Georgia Annotated, relating to  
2 a license to carry a pistol or revolver and temporary renewal permits, so as to require permits  
3 to be issued more quickly; to provide legislative findings; to provide for temporary permits  
4 for initial applicants when permits are delayed without cause; to provide for the return of  
5 application fees under certain circumstances where permits are not timely issued; to provide  
6 for related matters; to provide an effective date; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 The General Assembly finds that the right of the people to bear arms as guaranteed by the  
11 Second Amendment to the United States Constitution is crucial to protecting individual  
12 freedom and safeguarding the many liberties which are the cornerstones of this great nation.  
13 In preserving this right, it is essential that licenses to carry weapons be timely issued to law  
14 abiding citizens who are seeking to exercise their Second Amendment right in accordance  
15 with the laws of this state. It is the intent of this legislation to prevent unnecessary delays  
16 and hardships placed by local governments which infringe upon the exercise of Second  
17 Amendment rights. It is further the finding of this body that lawful Georgia residents are  
18 entitled to obtain a license to carry a pistol or revolver in a timely manner.

19 **SECTION 2.**

20 Code Section 16-11-129 of the Official Code of Georgia Annotated, relating to a license to  
21 carry a pistol or revolver and temporary renewal permits, is amended by revising paragraph  
22 (4) of subsection (d) as follows:

23 "(4) The law enforcement agency shall notify the judge of the probate court within  
24 ~~50~~ 30 days, by telephone and in writing, of any findings relating to the applicant which  
25 may bear on his or her eligibility for a license or renewal license under the terms of this

Code section. When no derogatory information is found on the applicant bearing on his or her eligibility to obtain a license or renewal license, a report shall not be required. The law enforcement agency shall return the application and the blank license form with the fingerprint thereon directly to the judge of the probate court within such time period. Not later than ~~60~~ 45 days after the date of the application the judge of the probate court shall issue the applicant a license or renewal license to carry any pistol or revolver if no facts establishing ineligibility have been reported and if the judge determines the applicant has met all the qualifications, is of good moral character, and has complied with all the requirements contained in this Code section. Where the applicant is a United States citizen and no derogatory information is found by either the law enforcement agency or probate court bearing on the eligibility of the applicant, the probate court shall issue the applicant a license or renewal license within the 45 days required by this paragraph, or all fees shall be returned to the applicant which were paid to the law enforcement agency and the probate court and the license, if issued, shall be issued free of charge."

### SECTION 3.

Said Code section is further amended by revising subsection (i) as follows:

*"(i) Temporary ~~renewal~~ licenses.*

(1) Any person who holds a license under this Code section to carry a pistol or revolver may, at the time he or she applies for a renewal of the license, also apply for a temporary ~~renewal~~ license if less than 90 days remain before expiration of the license he or she then holds or if his or her previous license has expired within the last 30 days. ~~(2)~~ Unless the judge of the probate court knows or is made aware of any fact which would make the applicant ineligible for a five-year renewal license, the judge shall at the time of application issue a temporary ~~renewal~~ license to the applicant.

(2) Where the applicant for an initial license or renewal of a license which expired more than 30 days prior to the application is a United States citizen and no derogatory information is found on the applicant bearing on his or her eligibility to obtain a license or renewal license, the applicant shall receive a temporary license if 45 days or more have expired since the application was filed and no five-year license has been issued by the probate court.

(3) Such a temporary ~~renewal~~ license shall be in the form of a paper receipt indicating the date on which the court received the ~~renewal~~ application and shall show the name, address, sex, age, and race of the applicant ~~and that the~~. The temporary ~~renewal~~ license expires 90 days from the date of issue shall expire upon the issuance of a five-year

1 license, revocation by the probate court pursuant to subsection (e) of this Code section,  
2 or 12 months from the date of issuance, whichever shall first occur.

3 (4) During its period of validity, the temporary ~~renewal permit~~ license, if carried on or  
4 about the holder's person ~~together with the holder's previous license~~, shall be valid in the  
5 same manner and for the same purposes as a five-year license.

6 ~~(5) A \$1.00 fee shall be charged by the probate court for issuance of a temporary renewal~~  
7 ~~license.~~

8 ~~(6) A temporary renewal license may be revoked in the same manner as a five-year~~  
9 ~~license."~~

#### 10 SECTION 4.

11 This Act shall become effective on July 1, 2007.

#### 12 SECTION 5.

13 All laws and parts of laws in conflict with this Act are repealed.